



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 6, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-33579 – REQUIRED REVIEW – APPLICANT: MARIA ZUBIA - OWNER: ARMENIAN & KOUTNOUYAN

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If approved, subject to:

Planning and Development

1. Conformance to the conditions of approval for Special Use Permit (SUP-3128).
2. The Special Use Permit (SUP-3128) shall be reviewed in six months by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is in response to a Required Review of a previously approved Special Use Permit (SUP-3128) for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and a proposed Auto Repair Garage, Minor located at 4401 Stewart Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/07/77	The City Council approved a request for Rezoning (Z-0075-77) from R-E (Residence Estates) to C-1 (Limited Commercial) of property generally located on the northeast corner of Lamb Boulevard and Stewart Avenue. The Planning Commission recommended approval on 08/11/97.
01/21/04	The City Council approved a request for a Special Use Permit (SUP-3128) for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and a proposed Auto Repair Garage, Minor located at 4401 Stewart Avenue. The Planning Commission recommended approval on 11/20/03.
04/13/04	A Vehicle Infraction (12677) was processed for a vehicle for sale in the parking lot at 4401 Stewart Avenue. The case was resolved on 04/13/04.
04/21/04	A Vehicle Infraction (13422) was processed for a vehicle for sale in the parking lot of 4401 Stewart Avenue. The case was resolved on 04/21/04.
06/29/04	A Code Enforcement case (17341) was processed for a Tire Shop at 4401 Stewart Avenue not meeting landscaping conditions imposed by the City Council. The case was resolved on 07/13/04.
07/14/04	A Vehicle Infraction (18028) was processed for an abandoned blue Honda Accord without plates at 4401 Stewart Avenue. The case was resolved on 08/03/04.
06/15/05	The City Council Tabled a request for a Required Review (RQR-6262) of an approved Special Use Permit (SUP-3128) for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and an Auto Repair Garage, Minor located at 4401 Stewart Avenue.
10/26/06	A Code Enforcement case (47462) was processed for a Tire Shop working outside the scope of zoning at 4401 Stewart Avenue. The case was resolved on 12/20/06.
02/20/08	A Code Enforcement case (62506) was processed for signs/storage/business outside the bays at 4401 Stewart Avenue. The case was resolved on 05/27/08.

09/04/08	A Code Enforcement case (69360) was processed for a Tire Shop having storage in public view at 4401 Stewart Avenue. The case was resolved on 09/24/08.
10/15/08	The City Council approved a request for a Required Review (RQR-29762) of an approved Special Use Permit (SUP-3128) for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and a proposed Auto Repair Garage, Minor located at 4401 Stewart Avenue.
<i>Related Building Permits/Business Licenses</i>	
07/27/04	A building permit (4018573) was issued for tenant improvements for a Certificate of Occupancy: change of use at 4401 Stewart Avenue. The permit was finalized on 10/20/04.
08/20/07	A business license (G02-00772) was issued for an Auto Repair Garage, Minor at 4401 Stewart Avenue. The license is still active.
05/06/08	A building permit (8000140) was issued for a 65-foot sign at 4401 Stewart Avenue.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Field Check</i>	
04/08/09	<p>Staff conducted a field check of the subject site with the following observations:</p> <ul style="list-style-type: none"> • In front of the business towards the southwest corner, there was an unauthorized wooden sign with a banner advertising brakes, tires, and window tinting. • On the northwest side of the building, there was an unauthorized banner advertising window tinting. • In front of the building near the bays, there was a stack of tires on display with a plastic 'Goodyear' cover over the top. • In the rear of the property, there was a shopping cart in the landscape buffer. • On the southeast corner on the rear of the building, there was an unauthorized banner advertising a type of tires. • The landscaping surrounding the building appeared to be properly maintained and neat in appearance.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.357

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Repair Garage, Minor	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishment and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
South	Office	O (Office)	P-R (Professional Office and Parking Lot)
	Single Family Residences	L (Low Density Residential)	R-1 (Single-Family Residential)
East	Mini Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second Required Review of an approved Special Use Permit (SUP-3128) for Auto Parts (New and Rebuilt) (Accessory Sales and Service) and an Auto Repair Garage, Minor located at 4401 Stewart Avenue. During a field check of the subject site, staff noted unauthorized signage in the front and rear of the building. Additionally, though covered with a plastic top, tires were on display outside of the building.

The following conditions of approval for Special Use Permit (SUP-3128) are listed below:

1. The hours of operation shall be from 8:00 a.m. to 6:00 p.m.
2. A trash dumpster shall be located and fully enclosed to meet Title 19 standards.
3. No signage shall be placed on the lawn or landscaped areas.

4. There shall be no outside displays.
5. The Special Use Permit shall be reviewed in six months by City Council.
6. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
7. Prior to the issuance of a Certificate of Occupancy, the owners of parcels APN 140-32-201-001 and APN 140-32-201-002 must execute an Off-Site Parking Agreement or similar document, satisfactory to the City Attorney, allowing for the use of five additional parking spaces for the subject site.
8. A landscape plan showing shrubs in conformance to Code standards must be submitted and approved by the Planning and Development Department Staff prior to or at the same time application is made for a building permit.
9. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
10. All repair, service, and installation work shall be performed within a completely enclosed building.
11. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
12. No outside storage of stock, equipment, or residual used equipment shall be located in any open area outside of an enclosed building.
13. All disabled vehicles shall be stored in an area, which is screened from view from the surrounding properties and adjoining streets. Vehicles shall not be stored on the property longer than 45 days.
14. All City Code requirements and design standards of all City departments must be satisfied.

15. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northeast corner of Stewart Avenue and Lamb Boulevard prior to the issuance of any permits as required by the Department of Public Works. Alternatively, the applicant may grant a traffic signal chord easement on the northeast corner of Stewart Avenue and Lamb Boulevard: coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents prior to the issuance of any permits for this site.
16. Provide a copy of a recorded Joint Access and Parking Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.

FINDINGS

During a site inspection on 04/08/09, the applicant was in violation of Condition #3 and #4 of the approved Special Use Permit (SUP-3128) by having unauthorized signage and an outside display. The sign violations consisted of a wooden sign with a banner located in a parking space in front of the building advertising brakes, tires, and window tinting; a banner on the northwest corner of the building advertising window tinting; and an additional banner in the southeast corner on the rear of the building advertising a certain brand of tire. The outside display consisted of a stack of tires located under a plastic "Goodyear" cover in front of the business. As the applicant is in violation of the Conditions of Approval of the Special Use Permit (SUP-3128), staff is recommending denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 419

APPROVALS 0

PROTESTS 0